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To: Microsoft ATR
Date: 1/28/02 11:49pm
Subject: Microsoft settlement

To whom it may concern,

As part of the public comment on the proposed Microsoft settlement, I am objecting to the prosecution of Microsoft by the Department of Justice and the various Attorney Generals' offices. I understand that with a gun to its head Microsoft wants this settlement. However, the settlement is unjust.

As a consumer, Microsoft has benefited me. Sometimes I buy Microsoft, but not always. I use operating systems and browsers produced by other companies. However, Microsoft's leadership in creating software that has been selected by the marketplace as the dominant products created a computing revolution that has changed my life through higher income. In contrast, the government's prosecution of Microsoft has harmed me.

The club-fisted actions by the government in this matter have adversely affected the development of products that would have benefited me. First, the government's attack on Microsoft distracted their expansion in the enterprise server software market which is dominated by companies that have supported the government's efforts. Resources Microsoft could have been used to enhance products that would have benefited me professionally were diverted to pay for attorneys instead of programmers. Second, the government's attack on Microsoft caused the high tech meltdown in the economy by depressing the equity markets. Consequently, jobs were lost and innovative products never made it to market.

Because of the coercion used by the government, I have several objections to the proposed settlement.

First, the settlement imposes restrictions on Microsoft's ability to make contracts. This infringement on Microsoft's right to enter contracts on its own terms is akin to the "badges of slavery" prohibited by the 13th Amendment. Consequently, while Microsoft retains title to its property, the government is specifying the terms under which it may exercise its own property. Thus, our government is pursuing fascist economic policies that obliterate the rights of private property.

Second, the settlement mandates the disclosure of proprietary information by Microsoft. This attack on intellectual property rights undermines our economy. Further, it contradicts the foreign policy of our government that seeks to protect the intellectual property rights of Americans abroad. Although there is some recourse to prevent the dissemination of information affecting security, the settlement makes no adequate provisions for resolving disputes between Microsoft and the government on these security claims to protect consumers. Therefore, this settlement puts the property and privacy

of Microsoft customers in jeopardy.

Third, this settlement infringes constitutional protections Microsoft, and all Americans, have from unreasonable searches. The presence of government agents in the Microsoft facility at the company's expense with unlimited access to confidential Microsoft information is an affront to our sense of ordered liberties. If this settlement were instead a warrant, the court would deny it as overly broad and unreasonable. In addition, the settlement does not specify sanctions against the government for potential violations of the confidentiality agreements.

Finally, if the government was serious about the danger Microsoft pose to consumers, the Justice Department and the state Attorney Generals' offices should have promised to not use Microsoft products during the term of the settlement. That would let the government work in an environment of incompatible software products that the market has freely chosen to avoid.

In summary, the government's prosecution of Microsoft and this settlement is a threat to our individual liberty because it permits the government to destroy the wealth created by our citizens arbitrarily.

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